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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,428	06/25/2003	Paul Petrus	15685P214	6323
8791	7590	01/24/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			DOAN, KIET M	
12400 WILSHIRE BOULEVARD			ART UNIT	
SEVENTH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90025-1030			2683	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,428

Applicant(s)

PETRUS, PAUL

Examiner

Kiet Doan

Art Unit

2683

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 11-16, 19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6-8, 10, 16-18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments file on 11/22/2004 with respect to claim 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1-2, 11-12**, are rejected under 35 U.S.C. 102(e) as being anticipated by Hashem et al. (Patet no. 6,748,222).

Regarding **claims 1 and 11**, Hashem teaches a method/machine-readable (C4, L33-54, C5, L10-15) for selecting a base station comprising: receiving transmissions from a plurality of base stations; deriving indications of received signal strength for each of the transmissions (C6, L14-19, Fig.4, No.38 teach receiver of base station which receiving transmissions from a plurality of base stations); deriving from the transmissions load information associated with each of the plurality of base stations (Fig.4, No.40, teach transmitter which transmissions load information); and selecting one of the plurality of base stations as a current base station based on the indications of

received signal strength and the load information (Abstract, C2, L50-63 teach selecting base station base on load and power level means as signal strength).

Regarding **claims 2 and 12**, Hashem teaches the wherein selecting the current base station further comprises deriving from the transmissions distance information associated with each of the plurality of base stations (C7, L26-46, Fig.2, No.26a-c Illustrate distance information associated with each of the plurality of base stations).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-5, 13-15, 23** are rejected under 35 U.S.C. 103(a) as being obvious over Hashem et al. (Patent No. 6,748,222) in view of Garncarz et al. (Patent No. 5,640,676).

Regarding **claims 3, 13 and 23**, Hashem teaches the limitation of claim as discuss above **but fail to teach** the method wherein deriving distance information comprises computing distance based on a reference time of transmission indicated in each of the transmissions and a received time of each of the transmissions.

In an analogous art, Garncarz teaches "Method for generating a handoff candidate list". Further, Garncarz teaches the method wherein deriving distance

Art Unit: 2683

information comprises computing distance based on a reference time of transmission indicated in each of the transmissions and a received time of each of the transmissions (C4, L1-29 teach computed distance between two cells/base station).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Hashem and Garncarz, such that computing distance based on a reference time of transmission indicated in each of the transmissions and a received time of each of the transmissions, to provide means for accurate distance/time for handoff.

Regarding **claims 4 and 14**, Garncarz teaches the method wherein selecting the current base station comprises comparing the received strength information, the load information, and the distance information of the current base station with a set of one or more candidate base stations (C2, L29-41 teach compare signal strength).

Regarding **claims 5 and 15**, Garncarz teaches the method further comprising: eliminating a first candidate base station among a plurality of candidate base stations if the load information associated with the first candidate base station indicates the load of the first candidate base station exceeds a threshold (C3, L1-49, Fig.1 illustrate eliminating a first candidate base station which exceeds a threshold).

Regarding **claims 9, 19 and 24** Garncarz teaches the method wherein deriving received signal strength information associated with transmission from each of the

plurality of base stations comprises computing a cost function based on the received signal strength of base station pairs of the plurality of base stations and a hysteresis factor (C4, L6-40 teach computed and value means as cost function based on the received signal).

Regarding **claim 21**, Hashem teaches a user terminal comprising: a receiver to receive transmissions from a plurality of base stations; a receive signal strength measurement unit to derive indications of received signal strength for each of the transmissions; and a base station selection unit to derive from the transmissions load information associated with each of the plurality of base stations (C6, L1- 29, Fig.4, No.38,40 teach receiver and transmitter of base station which), and to select one of the plurality of base stations as a current base station base on the indications of received signal strength and the load information (C8, L42-56 teach selecting base stations base on signal strength).

Regarding **claim 22**, Garncarz teaches the user terminal further comprising a distance calculation unit to derive from the transmission distance information associated with each of the plurality of base stations, and where in the base station selection unit selects one of the plurality of base station also based on the distance information (C4, L1-29 teach distance calculation unit).

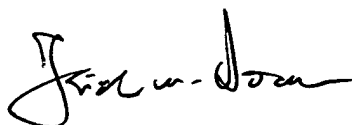
***Allowable Subject Matter***

4. **Claims 6-8, 10, 16-18, 20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim as specific detail and in combination as claim 6, 16 and any intervening claims.

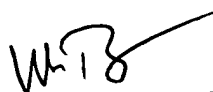
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



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